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## Pulling Together: Shared Intentions, Deliberative Democracy and Deeply Divided Societies

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## ***Pulling Together: Shared Intentions, Deliberative Democracy and Deeply Divided Societies***

IAN O'FLYNN\*

If deeply divided societies are to make the move from conflict to peace and democracy, their communities must pull together. While togetherness can be construed in different ways, its basic logic can be spelt out in terms of the notion of a 'shared intention'. Accordingly, the burden of this article is to argue that developing shared intentions between conflicting communities is important for overcoming their conflict and to explain why deliberation is a better instrument than bargaining for developing them. Deliberation involves and promotes more extensive and robust shared intentions than bargaining and hence enables a stronger sense of togetherness between communities to emerge.

'In the end, there has to be a belief that you can only go forward together; that you cannot be lifted up by putting your neighbour down.'

Bill Clinton, Belfast, 13 December 2000.<sup>1</sup>

In December 2000, President Clinton travelled to Northern Ireland to shore up support for the 1998 Belfast Agreement – an agreement that promised to manage the conflict between Irish nationalists and British unionists through the creation of new democratic institutions, but which, at the time, was proving extremely difficult to implement.<sup>2</sup> In particular, little progress was being made on the vital, contentious issues of police reform and paramilitary decommissioning. As Clinton pointed out, in spite of the fact that the Agreement had overwhelming popular support, its opponents were only too ready 'to rub salt in old wounds and serve their own ends'.<sup>3</sup> Yet throughout his speech he also stressed that a brighter future was possible, but only if everyone pulled together. As he put it, in order for the Agreement to succeed, 'all sides must be fully engaged with each other, understanding that they must move forward together or not at all; that for one community to succeed, the whole community must succeed'.<sup>4</sup>

It must be obvious that no two deeply divided societies are the same.<sup>5</sup> Yet while that makes it hard to generalize, one obvious fact holds across the board – in order to make the move

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<sup>1</sup> Clinton 2000.

<sup>2</sup> Belfast Agreement 1998.

<sup>3</sup> Clinton 2000.

<sup>4</sup> Clinton 2000.

<sup>5</sup> All societies are divided to one extent or another. Yet societies can be classed as 'deeply divided' when the main ethnic, national, religious, cultural or linguistic divisions map onto the main political divisions and where the cleavages that result are severe enough to threaten the very nature or existence of the state. Examples include Afghanistan, Belgium, Bosnia, Burundi, Colombia, Iraq, Lebanon, Nigeria, Northern Ireland, Sri Lanka and Syria (though there are many more). For an extended discussion, see Horowitz (2000).

from conflict to peace and democracy, the relevant groups or communities must, at some point, pull together. Most especially, their leaders must pull together if they are to have any chance of reaching an agreed democratic settlement and of turning that settlement into a successfully functioning political system. Yet pulling together is precisely what they find so hard to do. They may be highly suspicious of one another; levels of trust may be extremely low. Each may fear that the price of peace will turn out to be far, far higher than it can realistically afford to pay. They may worry about being able to bring their supporters along with them or of being undercut by rivals within their own community for appearing weak. And so forth.

The result is that moves from conflict to peace and democracy are highly prone to collapse. But since they are so prone to collapse, we would do well to take a closer look at what togetherness involves. While togetherness can be construed in different ways, its basic logic can be spelt out in terms of the notion of a shared intention.<sup>6</sup> As it is normally understood, to have an intention is to have some goal or purpose in mind; to intend to do something is to mean to pursue it. As such, our intentions connect our plans to our actions; they lead us to behave in some ways but not in others. They can be more or less strongly held; we may be firmly committed to the goal or much more tentatively so. They can also be revised or abandoned, and we can also behave in ways that do not reflect our intentions. Still, to intend to do something is to mean to act in such a way as to bring about or advance what we intend.

Accordingly, for two individuals to share an intention, there must be some goal that they want to pursue and that goal must be the same for both. On top of that, however, they must also be able to think of themselves as engaged in a joint co-operative endeavour and hence regard their prospects for success as mutually entwined. In order to achieve their goal, they may need to agree a common plan of action; they may need to decide on a division of labour or an allocation of roles and responsibilities. They may not be able to agree on every point, yet they must still be able to think of themselves as contributing to a common goal or purpose. Each individual must mean to play his part knowing that the other means to play his.

Of course, shared intentions are not just relevant to deeply divided societies. On the contrary, as we know from the philosophy of action literature, many commonplace activities depend on them – to take some stock examples from that literature, two people's going for a walk together or painting a house together.<sup>7</sup> Yet while shared intentions are a ubiquitous feature of ordinary human living, they have a special significance where people struggle most to have them. Just as Clinton suggests, the more the communities realize that it is better to pull together than pull apart, the less significance they will afford to their differences. In that vital sense, developing and promoting shared intentions can serve as an antidote to conflict and be an important driver of peace and democracy.

This is not to suggest that shared intentions can or should always be developed. Each community may have its own exclusive goals and aspirations and at least some of those aspirations may be perfectly appropriate for them to pursue independently. However, it remains the case that communities will also have many goals in common – all sides to a conflict may want peace and democracy and, as part of that, they may also want an efficient transportation network, strong (but judicious) inward investment, a prosperous economy, an educated populace, a good healthcare system or secure supplies of energy. The experience of conflict may make it hard for them to see that goals of this sort are best pursued when everyone pulls together. Instead of seeking to develop shared intentions with respect to those goals, each

<sup>6</sup> See, e.g., Bratman 1993; Gilbert 1990; Searle 1990; Tuomela 2005.

<sup>7</sup> Bratman 1993; Gilbert 1990.

community may instead think that they should do as much as possible apart. However, that way of thinking merely serves to reinforce their differences and, with it, the sense of deep division.<sup>8</sup>

This article seeks to deepen our understanding of the nature of and prospects for shared intentions in deeply divided societies. Its first section tackles the (non-prescriptive) challenge of explaining what would have to be the case for two communities to share the intention to make the move from conflict to peace and democracy. To this end, I will look to the philosophy of action literature and in particular to Michael Bratman's well-known account.<sup>9</sup> However, while it is one thing to analyse the conditions that would have to obtain for two communities to share an intention, it is another thing entirely to explain how those conditions might be generated or brought about. Unfortunately, the philosophy of action literature is of little help in this regard. It draws our attention to a general feature of human co-operative behaviour that, on the whole, the social sciences have not particularly noticed, but has little to say of a practical nature beyond that. In short, philosophers working in this field have been principally concerned with the conceptual question of how to make this feature intelligible and not with the normative question of how it should be fostered or developed.<sup>10</sup>

In the next two sections, therefore, I take up the (prescriptive) challenge of showing why deliberative democracy is exactly the sort of process that we need.<sup>11</sup> Admittedly, a great many writers on deeply divided societies, particularly those influenced by rational choice, tend to view peace agreements in terms of strategic bargaining. As Donald Horowitz puts it, the 'tacit assumption has been that, if the parties agree and can live with the agreement, they must have arrived at something like the market-clearing price'.<sup>12</sup> Yet while the communities can share the intention to reach a bargain and indeed to stick to the terms of that bargain once agreed, there will be no shared intention in how they bargain. Each will be trying to get the best deal possible for itself. By contrast, if the communities share the intention to deliberate, they will also share the intention to arrive together at an agreed view on what is the right or best arrangement. As such, deliberation is a better instrument for developing shared intentions, not only because of the greater range of shared intentions involved, but also because of the greater depth and stability of those intentions.

In the final section, I consider the objection that deliberation is unlikely to gain much traction in a deeply divided society seeking to make the move from conflict to peace and democracy (so that perhaps the best we can do, after all, is to encourage the communities to reach a bargain). However, this objection overlooks the fact that, before a peace agreement can get off the ground, the communities must agree guiding principles. They must, in particular, agree a common definition of what is just or fair. But fairness is never simply about being fair to oneself (though it may be that too); it is also about seeing things as others see them, understanding their reasons and weighing them equally in the balance with one's own. And that will usually require deliberation.

<sup>8</sup> See Dryzek (2005), p. 226.

<sup>9</sup> Bratman 1992; Bratman 1993; Bratman 2006; Bratman 2014.

<sup>10</sup> While this literature is primarily conceptual, it does have some important normative things to say – for example, Margaret Gilbert is especially noted for the claim that shared intentions entail mutual obligations akin to promises to play our respective parts (see, e.g., Gilbert 1990; Gilbert 2009). For a critique of this normative claim, see Bratman (2006), pp. 6–7.

<sup>11</sup> On deliberative democracy in deeply divided societies, see, e.g., Drake and McCulloch (2011), Dryzek (2005), Jaramillo and Steiner (2014), Luskin et al. (2014), O'Flynn (2006), O'Flynn (2007), O'Flynn (2010), Steiner et al. (2004), pp. 8–15, Ugarriza and Caluwaerts (2014).

<sup>12</sup> Horowitz (1991), p. 153. Typically, rational choice theorists take as their starting point the idea that conflicts occur because information failures and commitment problems prevent communities from reaching a mutually advantageous bargained settlement (e.g., Du Toit 1989; Fearon and Laitin 1996; Findley 2012; Hardin 1995; Lake and Rothchild 1996; Pillar 1983; Powell 2002; Rothchild 1997; Walter 2009).

## SHARED INTENTIONS

The philosophy of action literature has a great deal to say about the general case of two individuals' sharing an intention.<sup>13</sup> Action theorists tend to work at a fairly abstract level, so we need to think through that general case in terms of its implications for the more specific case of two communities' sharing the intention to make the move from conflict to peace and democracy. As such, the focus in this article will be on intentions between communities rather than on within them. Shared intentions are also relevant to their ordinary members (a point to which I return later on). But the case for developing shared intentions has most relevance to their individual leaders, since they will be most immediately involved in reaching an agreement.

As already noted, an intention is an attitude of mind directed at some particular goal or purpose. Hence, for two individuals to share an intention, there must be some goal that each of them means to pursue, and that goal must be the same for both. Naturally, if they have different goals, they will have different intentions.<sup>14</sup> Yet if possessing the same goal were all that a shared intention involved, it could not account for togetherness. After all, two individuals can have the same goal but not know that this is so. You and I would like to be friends. But since I am unsure about what you think and you are unsure about what I think, neither of us is ever brave enough to take the first step. It may never be 'completely out in the open' between us, in Margaret Gilbert's phrase.<sup>15</sup> This is, in fact, a major problem in deeply divided societies, where lines of communication can be extremely poor. Having reached a 'mutually hurting stalemate', each side may conclude that an agreed democratic settlement is the only way out.<sup>16</sup> Yet the nature of conflict is often such that it can be very hard for one community to see that this conclusion also holds for the other.<sup>17</sup>

For two individuals to share an intention, then, the fact that they possess the same goal must be common knowledge between them; but even this falls short of what we need. Two individuals can know that they aspire to the same goal but still want nothing to do with one another. So, while they may be said to share an intention in the weak sense of having identical intentions (i.e., the same intentions held side-by-side but unconnected to one another), they certainly cannot be said to share an intention in the stronger sense required (i.e., one which would help us account for their pursuing the goal together).<sup>18</sup> Again, this is an all too common feature of deeply divided societies. For example, leaders from both the Palestinian and Israeli communities have publicly said that they are committed to the goal of two states between the Jordan River and the Mediterranean. Yet it is nevertheless hard to resist the conclusion that neither side is genuinely committed to engaging with the other in pursuit of that aim as a common goal.<sup>19</sup>

As one might expect, philosophers who write on shared intentions spell out the required sense of commitment in different ways. Yet for present purposes, it will suffice to focus on Michael

<sup>13</sup> Among action theorists, the idea that togetherness can be understood in terms of individuals' shared intentions is not uncontroversial. For example, Christian List and Philip Pettit argue that togetherness may instead presuppose the notion of a group agent whose intentions are not reducible in any straightforward way to the intentions of its individual members. In their view, the democratic state is a case in point (List and Pettit (2011), pp. 40, 76–8; Pettit (2001), pp. 278–9). Yet while the democratic state can often seem to have a 'mind of its own', it is hard in practice to see how one might think in terms of anything other than the intentions of the individual communities involved, and specifically of their respective leaders, when societies are divided and identities are entrenched.

<sup>14</sup> Tuomela and Miller (1998), p. 370.

<sup>15</sup> Gilbert (1990), pp. 2–3; see also Bratman (1993), pp. 98–9; cf. Searle (1990), p. 117.

<sup>16</sup> Zartman 2001.

<sup>17</sup> As William Zartman argues, mutually hurting stalemates are all about communities' perceptions of one another. The problem, however, is that there is often no way for them to check the accuracy of their perceptions which only serves to fuel the sense of insecurity that they already feel (Zartman (1995), p. 8).

<sup>18</sup> That is, the term 'shared intention' is ambiguous between the weak and strong senses.

<sup>19</sup> Lustick 2013.

Bratman's widely discussed account by way of general illustration.<sup>20</sup> According to Bratman, a shared intention to engage in joint activity, *J*, entails that 'I intend that we *J* and you intend that we *J*'. But that, he argues, is not enough to show that you and I share an intention. That is because you and I may not be committed to the joint activity in the right way. In order to explain this point, Bratman asks us to imagine two people each of whom intends to travel to New York with the other. However, one of them is really a member of the mafia and so, true to form, plans to make this happen by kidnapping the other and bundling him into the back of his car. Granted, if he were to succeed, there would be a joint activity of sorts here, though it would not be the sort of joint activity that shared intention requires. After all, one of them (the victim) has had his relevant intention entirely bypassed.<sup>21</sup>

While this may seem a rather fanciful example, it is, arguably, not that far removed from the realities of life in some deeply divided societies. For instance, the 1995 Dayton Accords may have brought the brutal Bosnian civil war to an end, but they were not so much agreed as imposed by Richard Holbrooke and his team. As Madeleine Albright was to later put it, 'to a great extent the Dayton Accords and the peace process they built were made in America'.<sup>22</sup> Under the circumstances, there may have been no other (or better) option available. Yet the fact remains that Bosnian Serbs and Bosnian Croats had no direct representation of their own; nor, for that matter, was the agreement ever put to a popular referendum. Their intentions, including those they might potentially have shared, simply did not come into it.

What cases of this sort show is that, for there to be a shared intention, the relevant parties must treat one another as intentional agents in their own right. That is significantly more than their sharing, and knowing that they share, a goal. It also involves a form of mutual responsiveness.<sup>23</sup> Intentional agents are agents who are capable of forming plans and intentions and of acting upon them. Sometimes they will do so wholly in competition with one another. Yet since ours is a joint activity, I must include in my intention that we *J* the efficacy of your intention that we *J*. Indeed, my intention that we *J* is in part explained or justified by your intention that we *J*.<sup>24</sup> But since that means that our intentions will be inextricably entwined, it is only a short step from there to the conclusion that you and I share an intention.

Bratman thinks, however, that this is not the end of the story. While you and I may knowingly possess a common goal, and while you and I each intend that we pursue the goal in part because of each of our intentions, we may subsequently run into major co-ordination problems – we may have different ideas about how the goal is best pursued. We may, that is, have different 'sub-plans': you and I share the intention to paint the house, but I want to use a brush and you want to use a roller.<sup>25</sup> Consequently, Bratman suggests that shared intention must involve, furthermore, a commitment on the part of each of the individuals involved to 'mesh' their different sub-plans into a single coherent plan of action (we use a brush on the ceiling and a roller on the walls).<sup>26</sup>

<sup>20</sup> Bratman (1993), esp. pp 103–4.

<sup>21</sup> See also Bratman (1992), p. 333.

<sup>22</sup> Quoted in Chandler (1999), p. 36.

<sup>23</sup> Bratman (1993), p. 104; see also Tuomela (2005), pp. 330–1.

<sup>24</sup> See also Tuomela (2006), p. 42. Tuomela's notion of a 'we-intention' might be thought to presuppose the notion of a group agent. However, Tuomela is clear that 'an agent's we-intention then is his "slice" or part of the agents' joint intention, and conversely a joint intention can, upon analysis, be said to consist of the participants' mutually known we-intentions' (Tuomela (2005), p. 333).

<sup>25</sup> Bratman (1993), pp. 105–7.

<sup>26</sup> Bratman's full formation, then, is this: We intend to *J* if and only if: 1(a) I intend that we *J* and (b) you intend that we *J*. 2. I intend that we *J* in accordance with and because of 1a, 1b, and meshing subplans of 1a and 1b; you intend that we *J* in accordance with and because of 1a, 1b, and meshing subplans of 1a and 1b. 3. 1 and 2 are common knowledge between us (Bratman (1993), p. 106).

Conceptually, this last requirement seems to be no more than a contingent possibility. Since the individuals who share the intention may share a goal without having different sub-plans, meshing seems not to be essential to the concept of shared intention. Yet given the political cases with which this article is concerned, the notion of sub-plans and their meshing is obviously useful. All the parties to a conflict may share the intention of establishing a new democratic system, but they may have different ideas about how that common goal is to be achieved in practice. That may not matter too much so long as their respective sub-plans are compatible. For example, one community might want a parliamentary system whereas the other community might want, differently but compatibly, a federal system. However, if they start out with incompatible sub-plans, they will have to come up with an effective meshing process. Otherwise there will be no shared intention because they will not be able to think of themselves as contributing to a common purpose. In short, their thinking can be different but it cannot remain so different that they are no longer in pursuit of the same democracy.<sup>27</sup>

Unfortunately, the philosophy of action literature does not have much to say about what the meshing process ought to look like.<sup>28</sup> Bratman himself merely suggests that shared intentions can be facilitated or developed through some form of bargaining or deliberation.<sup>29</sup> However, while most agreements involve both bargaining and deliberation, this does not dissolve the difference between the two, not least of all because one can often distinguish their respective contributions to the agreement.<sup>30</sup> The normative question therefore arises as to which of the two we should prefer and strive to achieve. Over the course of the next two sections, I make the case that deliberation is a better instrument than bargaining for developing shared intentions. Entering into either bargaining or deliberation of itself involves a shared intention. However, entering into bargaining involves a more limited or less ambitious shared intention than entering into deliberation, and deliberation is likely to promote other shared intentions in a way that bargaining is not.

#### DELIBERATION AND BARGAINING

In essence, deliberation is a form of discussion in which the parties offer reasons to one another for the positions that they hold in a shared endeavour to arrive at an agreed view of what is right or best.<sup>31</sup> So defined, deliberation presupposes a willingness on the part of those involved to listen to one another with an open mind rather than sticking doggedly to their prior views and opinions. In the normal course of events, one would not necessarily expect the parties to be able to reach a consensus. Yet while they may need to resort to voting or some other such decision procedure to resolve the disagreement that remains, the fact that their opinions have been tested and shaped through deliberation means that what they will then be registering is a broader or more encompassing point of view.

<sup>27</sup> As Albert Weale notes, having a shared intention to perform a symphony 'need not involve everyone having the same understanding and interpretation of the work that is being played. But it does require everyone to be willing to play his or her part according to some particular interpretation, which is the interpretation that the collective aspires to achieve' (Weale (2005), p. 42; see also Bratman (2014), pp. 145–6).

<sup>28</sup> As already remarked, action theorists have been concerned to use this notion of a shared intention to show how many ordinary co-operative activities, such as two people's singing a duet together, can be rendered intelligible. Accordingly, their agenda is principally conceptual rather than practical in kind.

<sup>29</sup> Bratman (2006), p. 2.

<sup>30</sup> Barry 1990, 87; Elster 1986; Risse (2000), pp. 11–14, 21–8; Steiner 2008. Analytically, Mark Warren and Jane Mansbridge's work on the continuum between deliberation and bargaining is helpful in this respect (Warren and Mansbridge (2013), pp. 92–8). Normatively, however, the argument that I present above seeks to remind us of the importance in deeply divided societies of remaining focused on the deliberative end of that continuum.

<sup>31</sup> For overviews, see Dryzek 2010; Goodin 2008; Gutmann and Thompson 2004.



Bargaining can also involve discussion. But in such a discussion, one party does not try to convince the other that the better arguments are on its side. Rather, it tries to convince the other party to accept the terms that it is offering in the hope of maximizing its gains and minimizing its losses. Assuming that all sides are equally free to walk away from the negotiation table, a bargain will be reached only when each party considers it advantageous to do so. If one or other party can hold out for a better deal, all sides will be simply left where they were before. Of course, the failure to reach a bargain can bring problems of its own. While the parties may, therefore, need to take a broader or more ‘enlightened’ view, the aim remains that of getting the best deal possible for oneself or those one represents.<sup>32</sup>

Now, in order to deliberate, the parties must share the intention to deliberate. If they do share that intention and act upon it, they may quickly realize that they have very different goals or, indeed, that their political divisions are deeper than they thought. Equally, however, their deliberations may enable them to see, or see more clearly, that some of their goals are the same. In itself, that would not be sufficient to show that shared intentions had been developed (over and above the intention to deliberate); they may still have different ideas about how those common goals are best pursued. But if they were to continue deliberating, they might be able to mesh their different ideas into a single plan of action. For that to happen, each party would have to be prepared to make its intentions responsive to the intentions of the other. In so far as they succeed, their individual intentions will be mutually entwined. Accordingly, if the parties have a common goal, and if they think that that goal gives them a reason to pull together, deliberation can enable them to turn that reason into a shared intention.

By contrast, the claim that bargaining can serve to develop shared intentions seems harder to make. Entering into bargaining of itself involves a shared intention – bargaining is a joint activity and those who engage in it will normally have a common understanding of what it is that they are doing together. But while the parties may share the intention to bargain, there will be no shared intention in *how* they bargain.<sup>33</sup> Bargaining does involve a form of mutual responsiveness or the adaptation of your intentions in light of his – in game-theoretic terms, each party chooses a bargaining strategy (intention) based on its belief about what the other party’s strategy (intention) is; and each party knows that its own success depends on how the other actually behaves (strategic interdependence).<sup>34</sup> However, that is crucially different from the meshing of sub-plans that would be involved in one party’s sharing an intention with another.<sup>35</sup>

However, on closer inspection, the case for arguing that bargaining can serve to develop shared intentions can still be made, albeit indirectly. Although it seems almost unimaginable at the present time, at some future point Israelis and Palestinians may genuinely sit down to

<sup>32</sup> The satisfaction or ‘utility’ that one gains from a bargain can be wholly self-regarding; however, it can also be other-regarding (e.g., I may gain satisfaction from the promotion of someone else’s well-being, see Barry (1990), p. 88).

<sup>33</sup> Cf. Bratman (2014), p. 132.

<sup>34</sup> The classic account is von Neumann and Morgenstern (1944). For discussions at the intersection between game theory and deliberative democracy, see, e.g., Johnson (1991), Landa and Meirowitz (2009), Schieman (2000).

<sup>35</sup> Of course, bargaining can still give us co-operation. E.g., Fearon and Laitin use a game-theoretic model to explain how ethnic groups may manage to maintain mutually beneficial co-operative relations, despite the obstacles posed by asymmetric information and the relative infrequency of mutual interactions. Among other things, the model spells out the conditions under which individuals may be willing to punish members of their own group for bad behaviour towards members of the other group rather than risk an escalation of the conflict (Fearon and Laitin 1996). Whatever one might make of this account, in itself it would be difficult to explain in terms of shared intentions.

bargain over land.<sup>36</sup> Should that happen, the two communities may be said to share the intention to reach a deal, even if there is no common goal beyond that. Of course, someone might say that Israelis and Palestinians share the goal of peace and democracy. Yet, as we saw in the last section, there is an important difference between holding the same intention side-by-side and holding the same intention in a way that might be plausibly described as shared. Geography means that Israelis and Palestinians must continue to be neighbours, but at bottom each wants to go it alone. Both will presumably have 'gains from trade' since otherwise it is hard to see why each would agree to the bargain. But it would still be false to say that their intention in bargaining was to achieve mutual gains from trade, since neither has any concern for the gains of the other.

There are, however, cases in which bargaining does involve a common goal. Northern Ireland is a good example. Irish nationalists endorsed the Belfast Agreement not just because it secured their equal standing, but because they saw it as a possible route to Irish unification. By contrast, British unionists endorsed it not just because it protected them against further losses, but because they saw it as the best means of reconciling nationalists to the union.<sup>37</sup> However, while each community may have been concerned to further its own goals (or, in rational choice terms, to maximize its own utility), each also accepted that they would go on living together within the same political entity, at least for the foreseeable future (much as, for example, the Lebanese communities had when they signed up to the Taif Accord in 1989).<sup>38</sup> As such, the Belfast Agreement was not merely about each side's getting the best deal possible for itself; it was also about all sides recognizing that the continuation of the armed conflict was to the detriment of society at large.

Thus, in some cases, there can be a common goal, and that goal may give the relevant communities a reason to pull together. Granted, it would still be misleading to say that bargaining offers us a means of turning that reason into a shared intention (again, bargaining may give us mutual responsiveness, but each for his own purposes). Yet bargaining can still deliver an agreement that might become the object of a shared intention. You and I may want to climb a mountain together but have different views, to different ends, about the route we should take and the equipment we should use. Through bargaining, we reach an agreement on the route and the equipment. Having reached that agreement, we then have a shared intention to climb the mountain following the route, and using the equipment, we have agreed upon. Analogously, two communities may share the goal of making the move from conflict to peace and democracy and so they strike a deal. If they genuinely embrace that deal, they can then be said to share the intention to bring it about and to conduct their lives in accordance with it.

In short, the parties can share the intention to bargain and they can also share the intention to stick to the outcome of their bargaining. In that case, should we really care that there was no shared intention in how they bargained? What does it matter how shared intentions are developed, so long as they are developed?

### THREE REASONS FOR PREFERRING DELIBERATION OVER BARGAINING

One obvious reason for preferring deliberation over bargaining is simply the *greater range* of shared intentions involved. If the parties are deliberating about how to pursue their common goal, together they will be trying to work out what is the best or most satisfactory or most

<sup>36</sup> On this possibility, see Sinivera (2012).

<sup>37</sup> O'Leary (1999), p. 1631.

<sup>38</sup> For a comparison of the two agreements, see Kerr (2005).

workable arrangement. That means that shared intentions will be embodied in the substance of the process through which the parties arrive at an agreement. By contrast, the parties can share the intention to reach a bargain but there will be no shared intention in how they bargain – shared intentions will not drive the substance of their bargaining or determine what they do when they bargain.<sup>39</sup> Of course, numbers are not everything, but the fact remains that if communities are to make the move from conflict to peace and democracy, they must share more and divide less. This is not to deny the importance of accommodation, just as, for example, consociational theory recommends.<sup>40</sup> Institutions may need to be created to ensure that each community is effectively represented in the government while at the same time ensuring that each of them is free to govern its own internal affairs. Different languages, religions, legal traditions etc. may need to be publicly recognized or protected. However, a good consociation should create space not just for the things that distinguish communities from one another, but also for the things that might potentially bring them closer together – differences may be institutionalized, but that does not dispose of the need for or desirability of shared intentions across differences.<sup>41</sup>

Bound up with the idea that deliberation is to be preferred because of the greater range of shared intentions involved is the idea that deliberation can also serve to develop shared intentions of *greater depth*. If the parties bargain their way to a democratic settlement, that settlement must always be less than wholly satisfactory for each; it will constitute less than each really wants there to be. As Brain Barry puts it, an agreement reached by means of bargaining ‘involves a recognition on the part of each side that it cannot hope to get more of what it wants than is represented by the settlement. But each side retains its wish for the solution it originally entertained and if it had the power to achieve that solution it would use it to that end’.<sup>42</sup> So, while they may share the intention to implement the agreement and to conduct themselves in accordance with it once established, their commitment to it may never run deep. By contrast, an agreement reached by way of deliberation can in principle be entirely satisfactory. The parties may not be able to agree on every point, but they may still think that the agreement is the best or most satisfactory that they can come up with. In so far as that is what they think, there will be a depth of commitment to the deliberated agreement that will be absent from the bargained agreement.

Again, relatedly, deliberation can develop shared intentions of *greater stability*. In so far as the parties seek to reach an agreement through bargaining, the outcome will reflect their relative bargaining strengths; if there is anything fair or right or satisfactory about the outcome, that will be a matter of pure chance.<sup>43</sup> The parties may share the intention to implement the agreement and to conduct themselves in accordance with it once established, but it may still be vulnerable to arbitrary changes in the balance of power. By contrast, in so far as the parties seek to reach an agreement through deliberation, the outcome will reflect what they have come to see as right or best; accordingly, even if the balance of power were to shift, none of them would want to change that outcome.<sup>44</sup> Crucially, this may help to protect an agreement from ‘spoilers’ within each community who, as Clinton puts it, ‘try to exploit the implementation controversies, to rub

<sup>39</sup> Following Tuomela (2006), what one might say is that deliberators reason about their intentions in ‘we’ mode or from a shared perspective, whereas bargainers reason about them in ‘I’ mode or from their own private perspectives.

<sup>40</sup> Lijphart 1977; Lijphart 2004; O’Leary 2005; O’Leary 2013.

<sup>41</sup> O’Flynn (2009), p. 264; Steiner (2009), p. 201.

<sup>42</sup> Barry (1990), p. 87.

<sup>43</sup> Cf. Weale 2013.

<sup>44</sup> Barry (1990), p. 87.

salt in old wounds and serve their own ends'.<sup>45</sup> Bargains involve losses as well as gains, and it is those losses that spoilers seek to portray in the worst possible light (usually by decrying them as acts of fundamental betrayal). That can make it extremely hard for ordinary people to embrace the agreement or to think in terms of anything other than their own community's concerns. By contrast, an agreement reached through deliberation may be harder to exploit. Since the aim in deliberating is to arrive together at an agreed view on what is right or best, the language of gains and losses is harder to apply. This is not to suggest that ordinary people will always be convinced by what their leaders have to say. It is, however, to suggest that their deliberations will be less vulnerable to distortion.

In principle, therefore, there are good grounds for thinking that deliberation is a better instrument than bargaining for developing shared intentions. Since the bargaining approach is fairly dominant in the literature on deeply divided societies in general and in the negotiation literature on ethnic conflict management in particular, this is an important challenge to that orthodoxy. Yet there remains the obvious objection that deliberative democracy is overly idealistic; in practice one would not expect it to gain much traction. We might wish for deliberation between leaders strong enough to bring their supporters along with them in the move from conflict to peace and democracy, and we might wish for that because of the shared intentions deliberation both involves and promotes, but ultimately deliberation is simply wishful thinking.<sup>46</sup> Even if individual leaders did happen to share the intention to engage in an exchange of reasons, they would either fail to deliberate or deliberate but divide further, leaving everyone more deeply divided than they were before. I respond to this objection in the next section.

#### IS DELIBERATION FEASIBLE?

The empirical study of deliberative democracy in deeply divided societies is in its infancy. Among other things, we need to know a lot more about how deliberation is to proceed when majorities and minorities speak different languages, how different cultural styles of deliberation translate, the safeguards needed to ensure an equal voice for all sides, how space might be created for the views and opinions of the non-aligned, how to ensure that deliberation in civil society is not merely enclave deliberation, and how different leadership styles affect deliberation within and between communities.

So far, the answers that we have to questions of this sort are mainly drawn from experimental mini-publics – that is, from experiments involving small discussion groups composed of (more or less) randomly selected members of the public.<sup>47</sup> There is some evidence to suggest that the standard of deliberation is likely to drop when translators are required, but also that groups whose members are drawn from different communities are likely to deliberate better than groups whose members are drawn wholly from the same community (though the introduction of a supermajority rule may smooth out the difference).<sup>48</sup> We know that events in the broader environment may have an important effect on people's willingness to deliberate (or on the direction of their deliberations), but we also have some evidence to suggest that deliberation can encourage open-mindedness and trustworthiness independently of what is going on in the broader world.<sup>49</sup>

<sup>45</sup> Clinton 2000. On spoilers and the phenomenon of intra-ethnic outbidding more generally, see Rabushka and Shepsle (1972), p. 86, Stedman (1997), Gormley-Heenan and MacGinty (2008); cf. Mitchell, Evans and O'Leary (2009) for a more sanguine view.

<sup>46</sup> O'Leary (2005), p. 10; cf. O'Leary (2013), p. 38.

<sup>47</sup> On mini-publics generally, see Grönlund, Bächtiger and Setälä (2014).

<sup>48</sup> Caluwaerts and Deschouwer 2014.

<sup>49</sup> Luskin et al. (2014); see Fishkin and Luskin (2005), pp. 295–6) on external and internal validity.

It is tempting to belittle experiments of this sort. They are clearly artificial and they rarely have any real power; with so little at stake, there may be little risk in a change of mind. Their effects, if any, on public policy can be hard to trace.<sup>50</sup> Yet, on the other hand, they oblige us to reconsider the role of ordinary people in peace processes. It is widely assumed that, as a result of social separation, ordinary people are likely to be more polarized than their leaders. Since that means that they are likely to react badly when exposed to different views, particularly when those views are voiced by members of the other community, it is usually better not to try.<sup>51</sup> But what these experiments show is that this need not be the case; under the right conditions, deliberation between ordinary people from different communities can succeed.<sup>52</sup> This may have important implications for the question of how to deal with spoilers. Just as importantly, it may also have important implications for ordinary people's capacity to render peace agreements legitimate or not.

The fact remains, however, that leaders have the central role to play in reaching an agreement. Of course, they may need to consult with their supporters as they go along; doing so can be 'a vital preparation to "selling" the resulting outcome to the population at large'.<sup>53</sup> However, this does little to alter the decisive role that leaders have to play. There is evidence from studies of international treaty negotiations to suggest that a well-designed negotiation process can shift leaders towards the deliberative end of the negotiation spectrum.<sup>54</sup> Nevertheless, as far as deeply divided societies are concerned, the main evidence that we have, for now at least, is rather more indirect in nature.

As already noted, analysts typically understand the process by which leaders seek to reach an agreement in terms of bargaining – leaders act rationally when they act in a way that is well-calculated to enhance their own, or their own community's, utility. Yet on closer inspection, there is reason to doubt whether the move from conflict to peace and democracy, and in particular the choice of new democratic institutions, can be cast purely in such terms. Logically, in so far as democratic institutions are meant to provide a framework within which bargaining may legitimately occur, it makes little sense to say that democratic institutions might originate in bargaining.<sup>55</sup> In practice, of course, bargaining may generate fixed parameters that then constrain further bargaining. Yet as rational choice scholars generally recognize, 'there is an explanatory gap between saying that a set of institutions *functions* in a way that constrains self-interest or coordinates behaviour and the expectation that the institutions will arise among rational players'.<sup>56</sup> As it turns out, the general point here has tremendous resonance in deeply divided societies whose constituent communities are intentionally seeking to make the transition from conflict to peace and democracy.

Typically, the leaders of the different communities cannot begin to bargain seriously about specific issues until the 'rules of the game' have been agreed. In particular, little progress can be made until guiding norms and principles have been accepted by all sides. As William Zartman puts it, 'Individual notions of justice act as a substantive veto on agreement, and must be coordinated and accepted as the first stage of negotiation'.<sup>57</sup> To begin with, leaders may

<sup>50</sup> For a balanced appraisal, see Goodin and Dryzek (2006).

<sup>51</sup> Mutz (2006), p. 89.

<sup>52</sup> In seeking to advance our understanding of those conditions, Maria Clara Jaramillo and Jürg Steiner (2014) highlight the ways in which even a single word can have a positive, transformative effect on the quality of deliberation across deep divides; they, therefore, counsel moderators to be alive to this possibility and hence to focus not just on encouraging lengthier arguments (Jaramillo and Steiner 2014).

<sup>53</sup> Harris and Reilly (1998), p. 85.

<sup>54</sup> E.g., Reinhard, Biesenbender and Holzinger (2014), Risse (2000); see also Elster (1998) for an historically informed perspective on deliberation and bargaining in constitutional conventions.

<sup>55</sup> Hardin (1991), p.167; cf. Knight and Johnson (2007).

<sup>56</sup> Ward (2002), p. 87.

<sup>57</sup> Zartman (2008), p. 83.

disagree about how a given principle should be understood. But they will also know (or soon find out) that before progress can be made, they will have to agree a common definition. That inevitably requires deliberation. Most conflicts involve not just questions of identity but also questions of distribution – for example, fiscal transfers from Flanders to Wallonia is a central bone of contention in the Belgium case.<sup>58</sup> However, the fact that questions of distribution are in play usually means that fairness will be fundamental. The leaders of the different communities may disagree on how fairness is best defined; at some level, they will probably want to stack the deck in their own favour. But they will also know that any plausible definition must include a concern for the intentions of the other side. After all, fairness is not just about being fair to oneself or one's own community (even if it is that, too); it is also about seeing things as others see them, understanding their reasons and weighing them in the balance equally with one's own, and treating them accordingly. And that, of course, is precisely the sort of shared intention that deliberation is ideally suited to deliver.

Admittedly, it might be objected that principles of this sort are simply far too general or under-specified to seriously guide the meshing sub-plans process that then ensues. This is not to suggest that deliberating about them has no value, or so the objection might go. Leaders learn to negotiate together by first discussing something that is genuinely of no consequence (so it is 'safe' to talk); once they have built trust through that exercise, they can then get down to serious business that they could not have conducted without going through that stage. There is, in fact, evidence showing that if people are allowed to chat informally to one another before settling down to play a prisoner's dilemma game, reputational concerns lead them to play a lot more co-operatively (even if they were only chatting about something as inconsequential as the weather).<sup>59</sup>

This objection invites the obvious response that building trust is no small achievement in societies where trust is usually in short supply, and that leaders are also likely to care about their reputations. Just as crucially, it also overlooks the ways in which principles frame the negotiations that ensue and underpin the details of any final settlement. For example, in the Northern Ireland case, acceptance of the principle of parity of esteem was not a mere symbolic gesture, but formed the basis of the power-sharing arrangement on which the parties were finally to agree (it is reflected, for example, in its dual premiership, communal designation, proportionality rules and mutual vetoes).<sup>60</sup> Similarly, top of the agenda for Tanzanian mediators seeking an end to the three-year Rwandan Civil War:

was the establishment of the rule of law based on national unity, democracy and respect for human rights. Tanzanian mediators saw an agreement on these broad principles as a way to commit the parties to an 'ideological set of values' that would form the basis for negotiating the details of power-sharing procedures within the framework of a broad-based transitional government.<sup>61</sup>

Examples can be multiplied.<sup>62</sup> However, the basic point should now be clear enough: the fact that the move from conflict to peace and democracy cannot get off the ground until guiding principles have been agreed makes deliberation not just unavoidable but, in crucial respects,

<sup>58</sup> Deschouwer (2005), pp. 100–1.

<sup>59</sup> E.g., Sally 1995.

<sup>60</sup> O'Leary (1999), pp. 1638–9.

<sup>61</sup> Though, of course, what was to happen next was, to put it mildly, to frustrate those hopes (Khadiagala (2002), p. 471).

<sup>62</sup> E.g., Zartman (2008), p. 90, on the case of Namibia. There, agreement on a principle of equivalence was not only crucial to getting the negotiations off the ground, but, just as importantly, served as the touchstone for a final settlement in which the withdrawal of South African troops from Namibia would be paired with a withdrawal of Cuban troops from Angola.

fundamental. Deliberation is certainly *not* a panacea. But, since deliberation is well placed to deliver shared intentions, and since shared intention is one meaningful way of thinking about togetherness, it has a vital (if all too often neglected or under-appreciated) role to play in the move from conflict to peace and democracy. Of course, this is not to imply that strategic bargaining should be rejected; any such rejection would be unrealistic. But it is to suggest that bargaining should always be understood as occurring within a broader framework – one that lends bargaining its legitimacy and prevents the negotiation process from turning into an exercise in naked power.<sup>63</sup>

## CONCLUSION

The burden of this article has been to argue that developing shared intentions between conflicting communities is important for overcoming their conflict, and to explain why deliberation is a better instrument than bargaining for developing shared intentions. As we have seen, deliberation embodies, and is also likely to develop and promote, a greater range of shared intentions than strategic bargaining. In other words, it both embodies and is likely to develop and promote a stronger sense of togetherness. Bargaining will inevitably have its place in any attempt to make the move from conflict to peace and democracy. Yet, far from encouraging everyone to see that, as Clinton put it in the speech he gave in Belfast, ‘for one community to succeed, the whole community must succeed’, it instead encourages them to focus on their own advantage. Admittedly, in the heat of the moment, it can be hard to remember just how fundamental deliberation is. But if pulling together is the aim, and if we think about that aim in terms of shared intentions, then every effort should be made to further the cause of deliberation.

In my introductory comments I noted that shared intentions is not the only way of thinking about togetherness. Indeed, one could argue that the move from conflict to peace and democracy does not necessarily depend on them. Sometimes time alone will do the trick. In the Swiss case, for example, the decline in the traditional confessional schism was not so much intentionally settled as given time to ‘cool down’.<sup>64</sup> However, the trouble with piecemeal arguments of this sort is that they leave an awful lot to chance. The decline of the Swiss confessional schism was helped by several historical events and contingencies, including industrialization, modernization and direct democracy.<sup>65</sup> But, by definition, those historical contingencies might not have come to pass. As I write this conclusion, Northern Ireland is in serious trouble once again – its leaders have failed to agree a welfare budget, and that failure is threatening to collapse its power-sharing institutions. Of course, that collapse may never happen. But these sorts of events serve to reinforce the point with which this article began, namely that shared intentions are especially significant where people struggle most to have them.

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<sup>63</sup> Habermas (1996), pp. 166–7; Mansbridge (2010), pp. 66, 69.

<sup>64</sup> Linder (2010), p. 23.

<sup>65</sup> Linder (2010), pp. 23–4.

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